

### **REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 20 September 2006. Responsive to the objections and rejections made in the Official Action, Claims 1 and 6 have been amended to clarify the language thereof and the combination of elements which form the invention of the subject Patent Application. Additionally, Claims 5 and 9-19 have been canceled by this Amendment.

In the Official Action, the Examiner objected to Claim 6 due to an informality therein. Accordingly, Claim 6 has been amended to correct the informality kindly noted by the Examiner.

In the Official Action, the Examiner rejected Claims 1 and 6 under 35 U.S.C. § 112, second paragraph (assumed) because use of the terms “internal” and “external” were relative, but not defined by the Claim or Specification.

Claims 1 and 6 have been amended to cancel the term “internal” or “external” therefrom. Thus, it is believed that the Claims now particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

The Examiner provisionally rejected Claims 1-19 under 35 U.S.C. § 101, as claiming the same invention as Claims 1-19 of co-pending Patent Application Serial Number 10/820,722.

It is believed that the amendment to Claims 1 and 6 of the subject Patent Application, and any forthcoming amendment to the Claims of the co-pending

Application sets apart the claimed subject matter of the subject Patent Application from that of the co-pending Application. It is now believed that a system can be defined that would infringe the Claims of one of the subject Patent Application or the co-pending Application, but not infringe the other of Applicant's co-pending Application 10/820,722 or the subject Patent Application, and therefore no statutory double patenting would exist. Thus, it is believed that Claims 1-4 and 6-8 of the subject Patent Application, as now claimed, do not define the same invention as defined by Claims 1-19 of the co-pending Application, and thereby overcomes the rejection under 35 U.S.C. § 101.

In the Official Action, the Examiner rejected Claims 6-8, 11-13 and 17 under 35 U.S.C. § 102(e), as being anticipated by Lagadec, et al., U.S. Patent Application Publication 2004/0098625. Claims 1-3 and 15 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Lagadec, et al. in view of Vitikainen, et al., U.S. Patent Application Publication 2003/0065802. Claim 4 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Lagadec, et al. and Vitikainen, et al., and further in view of Zellner, et al., U.S. Patent Application Publication 2006/0195570. Claim 5 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Lagadec, et al. and Vitikainen, et al., in further view of Gidron, et al., U.S. Patent Application Publication 2003/0060188. Claims 9, 14, 16 and 18 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Lagadec, et al. in further view of Zellner, et al. and Claims 10 and 19 were

rejected under 35 U.S.C. § 103(a), as being unpatentable over Lagadec, et al. in further view of Gidron, et al.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the combination of elements which form the invention of the subject Patent Application as now claimed. The invention of the subject Patent Application is directed to a multimedia information and information inquiry download service. For that service, a user uses a mobile phone to access an information inquiry service platform to search for and download information. According to the information requested, the information inquiry service platform contacts a content provider to obtain the information requested by the user. The content provider provides the information to the information inquiry service platform. The information inquiry service platform then sends the information via a common service platform to a multimedia information service center. The multimedia information service center sends the information to the mobile phone of the user. Responsive to completion of sending the information to the mobile phone, the multimedia information service center sends a message to the information inquiry service platform, and the information inquiry service platform transmits data for billing to the common service platform responsive to the message from the multimedia information service center.

From another aspect, as defined in Claim 6, the invention of the subject Patent Application is directed to a multimedia information and information inquiry

download service. This service is accessed by a user through an information inquiry service platform using a mobile phone to search for and download information. The information inquiry service platform sends a request for information to a content provider. Where the information to be downloaded is dependent on a location of the mobile phone, the information inquiry service platform obtains location information of the mobile phone via a common service platform and then contacts the content provider to obtain location specific information according to the location information of the user. The content provider obtains the requested information and sends the information to the common service platform. The common service platform sends the received information to a multimedia information service center. The multimedia information service center sends the information to the user's mobile phone. Responsive to completion of sending the information to the mobile phone, the multimedia information service center sends a message to the information inquiry service platform. The information inquiry service platform transmits data for billing to the common service platform responsive to the message from the multimedia information service center.

In contradistinction, the Lagadec, et al. reference is directed to a method for transmitting an anonymous request from a customer to a content or service provider through a telecommunication network. The consumer, through a mobile communication device 12 communicates with logic unit 20 through a

corresponding gateway 30 and interface 32. The logic unit 20 is a server of the mobile communications network 22 that anonymizes a request from the mobile phone user to a content provider 16. The content provider, without knowledge of the identification of the user provides information to the user through the server 20 and gateway 30. As shown in the Figure, the server 20 receives the mobile phone user's location through location portion of the communication network 52, the server passing on that location to the content provider, as required. Thus, the server 20 is equivalent to Applicant's consumer service platform 25, as it receives the location data, and transmits it to the information inquiry service platform for forwarding to the content provider. Further, the information from the information content provider 23 is received by the common service platform 25 in the present invention, just as the server 20 receives the information from the content provider 16. Therefore, the content/service provider 16 of the reference is equivalent to the content provider 23 of the present invention.

However, at least one distinction between the invention of the subject Patent Application and the referenced system is the inclusion of an information inquiry service platform 15 which receives the request for information from the mobile phone and transfers that request to the information content provider 23, but does not receive the information from the information content provider (as shown in Fig. 2), unlike the server 20 of the reference. Instead, the information from the information content provider of the present invention is passed to the multimedia

information service center through the common service platform, the multimedia information service center transmitting the information to the mobile phone, and provides a confirmation that the information was sent to the information service platform. Responsive to receipt of that confirmation, the information service platform transmits the data necessary for billing to the common service platform.

Hence, nowhere does the Lagadec, et al. reference disclose the information inquiry service platform obtains location information of the mobile phone via a common service platform and then contacts the content provider to obtain location specific information according to the location information of the user, and the content provider obtains the requested information and sends the information to the common service platform, and then the common service platform sends the received information to a multimedia information service center, as now claimed. Further, nowhere does the reference disclose the multimedia information service center sending the information to the user's mobile phone, responsive to completion of sending the information to the mobile phone the multimedia information service center sends a message to the information inquiry service platform, and the information inquiry service platform transmits data for billing to the common service platform responsive to the message from the multimedia information service center, as now claimed.

Therefore, as the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, as now defined in

Claim 6, it cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, it cannot make obvious that invention either. Accordingly, it is now believed that Claim 6 and the Claims dependent thereon are now allowable over Lagadec, et al.

The Vitikainen, et al. reference does not overcome the deficiencies of Lagadec, et al. The Vitikainen, et al. reference is directed to a system and method for dynamically producing a multimedia content sample for mobile terminal preview. As shown in Fig. 6, the mobile phone 602 communicates with the multimedia message service center 661 accesses requested information from the multimedia content source (database) 690 through a content gateway 662 of the service provider's intranet 650.

Therefore, unlike the invention of the subject Patent Application wherein the multimedia information service center 30 delivers the content to the mobile phone 10, but does not receive the request for content, the multimedia message service center 661 of the reference receives both the request for content and delivers the content to the mobile phone. Further, nowhere does the reference disclose the combination of a user using a mobile phone to access an information inquiry service platform to search for and download information, and the information inquiry service platform contacting a content provider to obtain the information requested by the user, the content provider providing the information to the information inquiry service platform, and further the information inquiry

service platform sends the information via a common service platform to a multimedia information service center, as now claimed. Further, nowhere does the reference disclose that responsive to completion of sending the information to the mobile phone, the multimedia information service center sends a message to the information inquiry service platform, and the information inquiry service platform transmits data for billing to the common service platform responsive to the message from the multimedia information service center, as now claimed.

Therefore, as neither Lagadec, et al. nor Vitikainen, et al. disclose or suggest the concatenation of elements which form the invention of the subject Patent Application, either alone, or in combination, they cannot make obvious that invention.

The Zellner, et al. reference does not overcome the deficiencies of Lagadec, et al. or Lagadec, et al. combined with Vitikainen, et al. The Zellner, et al. reference is directed to an anonymous location service for wireless networks. Like Lagadec, et al., the reference discloses a wireless network which strips the identification of the wireless user from the request for information that is transferred to the content provider. The information that comes back from the content provider also passes back through the wireless network device, proxy server 100, for transfer back to the wireless phone. As the proxy server 100 receives the location information for the wireless phone, it corresponds to the common service platform 25 of the instant invention. However, in the invention



of the subject Patent Application, the common service platform does not receive requests for content from the mobile phone, nor transfer the content directly to the mobile phone. Within the server 100 there is provided a mobile gateway 270 which communicates with the mobile phone to transfer content thereto and receives requests for content therefrom. Thus, the mobile gateway 270 does not correspond to either the multimedia information service center, which unidirectionally transfers content to the mobile phone or the information inquiry service platform which receives requests for content from the mobile phone, in the invention of the subject Patent Application.

Therefore, nowhere does the Zellner, et al. reference disclose or suggest a user uses a mobile phone to access an information inquiry service platform to search for and download information, wherein the information inquiry service platform contacts a content provider to obtain the information requested by the user, the content provider providing the information to the information inquiry service platform, followed by the information inquiry service platform sending the information via a common service platform to a multimedia information service center, the multimedia information service center sending the information to the mobile phone of a user, as now claimed. Further, nowhere does the reference disclose or suggest the multimedia information service center sending a message to the information inquiry service platform responsive to completion of sending the information to the mobile phone, the information inquiry service platform

transmitting data for billing to the common service platform responsive to the message from the multimedia information service center, as now claimed. Still further, nowhere does the reference disclose or suggest the information inquiry service platform obtaining location information of the user via the common service platform and then contacting the content provider to obtain location specific information according to the location information of the user, as defined in Claim 4. While the reference discloses obtaining location information, and passing that on to the content provider, such is not provided to and from equivalent elements with respect to those claimed for the invention of the subject Patent Application.

Therefore, the combination of Lagadec, et al., Vitikainen, et al. and Zellner, et al. cannot make obvious the invention of the subject Patent Application, as now claimed, as the combination of references fails to disclose or suggest the concatenation of elements which form the invention of the subject Patent Application.

The Gidron, et al. reference does not overcome the deficiencies of Lagadec, et al. combined with Vitikainen, et al. The Gidron, et al. reference is directed to a system and method for charging for directed provisioning of user applications on limited-resource devices. The reference introduces a provisioning platform 16 which is disposed intermediate the cellular carrier 14 and content provider 18, or service provider 22 for transferring content to users. The service provider 22

includes the billing system components of the system. Whereas, the information inquiry service platform of the invention of the subject Patent Application, receives the request for content directly from the mobile phone, and also transmits the billing information to the common service platform.

Nowhere does the reference disclose or suggest a multimedia information service center which sends a message to the information inquiry service platform responsive to completion of sending of the information to the mobile phone, the information inquiry service platform transmitting data for billing to the common service platform responsive to the message from the multimedia information service center, as now claimed.

Therefore, none of Lagadec, et al., Vitikainen, et al., or Gidron, et al. disclose or suggest the concatenation of elements which form the invention of the subject Patent Application, as now claimed, and thus their combination cannot make obvious the invention of the subject Patent Application.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

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Reply to Office Action dated 20 September 2006

No fees are believed to be due with this Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE

A handwritten signature in cursive script, reading "David I. Klein".

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